

# REFORMING DUAL CITIZENSHIP: INTEGRATING IMMIGRANTS INTO THE AMERICAN NATIONAL COMMUNITY

Statement of Stanley A. Renshon,  
Professor of Political Science, City University of New York, Psychoanalyst  
Richard E. Estrada Fellow, The Center for Immigration Studies

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## Statement

Mr. Chairman and members of the committee, I am deeply honored to be invited here to speak with you today regarding a subject vital to America's long-term national security and civic well being.

I do not come here as an invitee of the majority party, but as an American who both studies and loves this country and is concerned about its future. I am by first training a political scientist, by second training a clinical psychologist and by third training a psychoanalyst. I've been invited here today. I suspect, because I have new book coming out in two weeks entitled, *The 50% American: Immigration and National Identity in an Age of Terror*.

The focus of the book, and the foundation of my remarks here today is that *the* core issue facing American immigration policy is our ability to integrate tens of millions of new immigrants into the American national community. That ability turns largely on our success in helping immigrants form and develop emotional bonds with this country—its way of life, its ideals, its people, and its institutions. Government certainly can't mandate such attachments, but it clearly can either facilitate or alternatively, impede them.

Over the past four plus decades, our capacity to help immigrants become integrated into the American national community has been comprised by two powerful centrifugal forces. One is the institutionalization of a view that race or ethnicity is, and ought to be, the principal vehicle of American national identity. The other is the view that Americans ought to trade in their parochial national attachments in favor of a more cosmopolitan, transnational identity. Advocates of this view embrace the growing incidence of dual citizenship and argue that America should be more “welcoming” by helping immigrants retain and further develop emotional ties to their “home” countries. Our government, it is said, should allow and even encourage this. However, in my view, this country should only do so if it wishes to encourage civic suicide.

# Prologue

Conduct a small experiment: Ask your friends and colleagues how many countries worldwide permit their citizens to also be citizens of one or more other countries. Frame your question by asking whether it might be a few, less than a dozen, several dozen, or even more. Aside from puzzled looks, my bet is that the most frequent answer will be a few or less than a dozen.

Then, continue the experiment by asking more specifically how many countries do they think would allow their citizens to do all of the following: take out one or more other citizenships, swear allegiance to a foreign state, vote in foreign elections, run for office in another country while at the same time being a citizen in good standing in their “home country,” win or be appointed to office in another country and serve while still a citizen in good standing in their “home country,” join another country’s armed forces while a citizen of their “home country,” or fight in another country’s army even if that country were hostile to the interests of the “home” country.” Chances are the looks you receive will range from puzzled suspicion that you can’t be serious to severe disbelief.

Press them to give a number and almost without fail, if you elicit a number at this point, it will be either very small or nil. Then, to take the next step in the experiment ask if they are aware that the United States is the only country in the world to allow its citizens, natural or naturalized, to do all of these things.

It is likely that their disbelief at this point will express itself as open astonishment and a refusal to believe that you could be serious. And to complete the experiment, further inform them that a number of academic, legal, and ethnic activists welcome these developments, and are critical only of the fact that the United States hasn’t gone farther, faster, to loosen the ties that bind Americans to their country and to each other instead of helping them to develop identifications and emotional ties to larger and, in their view, more democratic communities.

The facts that form the basis of this experiment are the subject of this analysis.

The American national community faces a critical issue of which most of its citizens are largely unaware. It is an issue that goes to the heart of what it means to be an American. It also has significant consequences for our national security and political well-being in the post 9/11 world, and the emotional commitments that sustain them. It is the issue of dual citizenship and multiple national attachments.

America remains an immigrant's beacon. Immigrants come to the United States, legally and illegally, at the rate of around a million a year. There are now over 34 million foreign-born persons living here, the largest number in American history.<sup>1</sup> Unlike the past, many immigrants to the United States now arrive from countries with very different cultural, religious, psychological, and political traditions. A natural question therefore arises as to how well these millions of new immigrants are finding their place in American society and in the American national community.

This is *not* solely a matter of economic mobility, as many discussions of immigration seem to assume, but of psychological and cultural integration. Of course, Americans hope that immigrants will find their economic footing here. However, becoming a real part of the American national community consists of more than earning a paycheck or paying taxes. The heart of the American national community, its foundation, consists of emotional attachments — a warmth and affection for, an appreciation of, a pride in, and a commitment and responsibility toward this country's institutions, way of life, and fellow Americans. These central psychological features describe a much misunderstood and unjustly maligned concept and set of basic elements of the American national community — patriotism. And, therein lies the core of the problem with dual citizenship and multiple national attachments.

The 9/11 attacks made Americans more aware of their common fate. It has also brought renewed focus on issues of national integration, attachment, and immigration. The national security implications of national attachment are very real, but the relationship of national attachment and integration to the political and cultural well-being of this country are equally important.

## What Is Dual Citizenship?

At its most basic level, dual citizenship involves the simultaneous holding of more than one citizenship or nationality. Citizenship is a legal term and refers to the rights and responsibilities that become attached to people by virtue of their having been born as, or having become,

recognized or certified members of a state community. Nationality is a psychological term that refers to the emotional ties and core understandings about the world and common experience that bind members of a group together. Nationality in most, but not all, cases underlies and is the foundation of citizenship.

It is possible, of course, to have the rights of a citizen but feel little emotional attachment to the country that provides them. In that case citizenship is primarily instrumental, sought for the advantages it confers. But a community requires more than instrumental membership and a what's-in-it-for-me calculus to function and prosper. Emotional attachments provide a community with the psychological resources to weather disappointments and disagreements, and help to maintain a community's resolve in the face of historic dangers. Emotional attachment and identification are the mechanisms that underlie sacrifice, empathy, and service.<sup>2</sup> *Citizenship without emotional attachment is the civic equivalent of a one-night stand.*

Multiple attachments are, of course, a fact of life. We are fathers to our children, and children to our parents. We are husbands, professors, psychoanalysts, Jews, New Yorkers, and Americans. We are all these things and more, but that doesn't mean we can add to our attachments indefinitely, or avoid making choices about which are primary, and under what circumstances. Nor does it mean that we can add new parallel fundamental attachments without consequences.

We can be fathers and spouses, but we can't maintain a primary attachment to two spouses at the same time. We cannot easily be observant Muslims and Christians at the same time. Nor can we equally hold the profound attachments that nationality represents to several countries at the same time. Some kinds of psychological attachments are simply incompatible; others require a choice about which will be primary.

Dual citizenship, especially when it entails active participation in the political life of an immigrant's home country, leads to conflicts of interest, attention, and attachment. Of course, immigrants have feelings regarding their countries of origin, but a strong case can be made that they owe their primary focus and commitment to the country that is now their chosen home. And the United States, in turn, owes them the effort to ensure that they can become integrated into the American national community.

There are many ways to become a dual citizen. You can be born in the United States to a foreign national. You can be born abroad to a mixed nationality couple, one of whom is a U.S. citizen. You can become a

naturalized American citizen, but your “home country” ignores that fact, which many do. You can temporarily loose your home-country citizenship by becoming a naturalized American citizen, but reclaim it at any time through simple procedures — a form of *de facto* dual citizenship. You be a citizen of a country that has a dual citizen arrangement with one country (Spain), or a group of countries (European Union), who in turn see their nationals in the United States as partially their citizens. Or you can be the minor child (under 18 or 21) brought to the United States by your parents, become naturalized, inform your home country that you have chosen your home country’s citizenship, but go ahead with American naturalization, too.

While there are many ways to become a dual citizen, the questions that matter are how many countries allow it and how many Americans are, or could become, dual citizens. The answer to both questions is startling.<sup>3</sup> The numbers suggest this is an issue of major proportions. There are currently 151 countries, including the United States, that allow some form of multiple citizenship in one of the six ways I have outlined above. It is a number that is likely to grow as the relatively few remaining counties that send large numbers of their nationals abroad but don’t allow dual citizenship recognize the advantages of maintaining and even encouraging the attachments of their emigrants to their “home countries.”

What matters, of course, is not only how many countries allow dual citizenship, but how many possible dual-citizenship nationals come to the United States. The United States, remember, is the destination for the largest number of immigrants worldwide, year after year, and decade after decade. No other country even comes close to the United States, both in being a preferred destination and in the numbers of immigrants this country takes in.

With that in mind, consider that in the decades beginning in 1960 and extending through 2003, the United States took in almost 22 million immigrants, over 81 percent of whom were from dual-citizenship countries. Of immigrants from the top-20 sending countries to the United States in the years 1994-2002, an average of over 90 percent were dual-citizen immigrants. Of the estimated 8-10 million illegal immigrants in the country in 2002, 85 percent were from dual-citizenship countries. Their children too, become dual citizens.

The enormous number of prospective dual citizens in the United States raises the most profound questions about the basis on which this country was built and has developed for the past 229-plus years. The viability and integrity of the American national community de-

pends on the emotional attachments of its citizens. Beliefs in civic values like “democracy,” “justice,” or “tolerance” (i.e., the American Creed) are not enough, by themselves, to bind people to this country. Americans — if they are to provide real support for their national community, its institutions, way of life, and fellow members — must feel emotionally attached to all these elements.

This attachment need not always be front and center in people’s lives. However, in relation to other nationality, ethnic, or racial ties, it is important that it at least be primary, or first among equals. Dual citizenship, and the growing attempt to use it by foreign governments for their own purposes, weakens that crucial community attachment.

Most other countries strongly regulate the rights and responsibilities of dual citizenship without outlawing it. They do so, not doubt, for the same reasons that lie behind the suggestions I will make shortly here — concerns with the viability of citizen attachments to *their* national communities. It is therefore possible to both permit and regulate dual citizenship. And that is precisely what I propose.

As it now stands, the United States is among the most, if not *the* most, permissive country allowing dual citizenship in the world. It has no regulation whatsoever of whether its citizens can vote, serve in the government of, or fight for a foreign government. They can do so without consequences of any kind. And, as is generally the case with modern American immigration policy, these practices have not been publicly debated or approved.

In the sections that follow, I outline a series of recommendations for reforming some elements of the growing incidence of dual citizenship in this country, along with a rationale for each proposal. It is clear that Congress has the power to regulate citizenship and naturalization, so long as such laws are uniform and adhere to the equal protection clause. Congress could, if it thought it wise, limit Americans’ ability to exercise political rights in other countries, or even naturalize elsewhere.<sup>4</sup> From the standpoint of integrating America’s diverse immigrant populations into the national community, it would seem to be a wise step.

America’s current *laissez faire* approach to multiple citizenships can be reformed in ways consistent both with the psychological fact of multiple attachments and with fostering primary ties with the American national community. It can be reformed in ways that don’t deny immigrant feelings for their homeland countries, but that also doesn’t negate the importance of developing strong integrated and emotionally connected ties to this country.

# Dual Citizenship and Foreign Attachments

The reform of dual citizenship in the United States actually consists of two elements, one foreign, the other domestic. The first concerns potential or actual dual citizen involvement in the political process of their “home” countries. Among the questions that need to be addressed in this category are: What ought to be done about American citizens voting, holding office, or serving as advisors to foreign governments?

The second asks what ought this country do in relation to a potential or actual dual citizen *in* the United States in relation to the American political community. Among the questions that need to be addressed in this category are: What should be done regarding Americans who maintain dual citizenship but serve in public service or policy-making capacities in this country? Should a dual national be allowed to serve as President of the United States or as a Supreme Court justice? While the idea may seem novel, it is not at all far-fetched. As more and more dual citizens find their place in American society, it is increasingly likely that they will find their way into positions of responsibility and power. This issue has been raised indirectly by attempts to amend the Constitution to allow naturalized citizens run for the presidency; the questions raised by multiple national attachments in American political life, however, are much more pervasive than a single office. As more and more dual citizens and potential dual citizens take their place in political institutions, the questions raised here will be increasingly relevant. It is preferable to give this matter some thought before it becomes a matter of national urgency.

As Peter Schuck points out, “Americans seem to worry much more about the divided loyalties of those who are nationals of other states and wish to naturalize in the United States than they do about the loyalty of American citizens who choose to naturalize in other countries while retaining their American citizenship (as other states increasingly permit them to do).”<sup>5</sup> In reality, both sides of that coin are at issue.

The “foreign” dimension of dual citizenship raises three critical public policy issues for Americans. First, should American citizens be able to vote in foreign elections? Second, should American citizens be able to serve in, represent, or advise a foreign government? Third, should American citizens be permitted to serve in foreign military forces? As of today, all three are wholly legal in the United States. Whether they are advisable, given the worry over integrating unprecedented numbers of new

immigrants every year into the American national community, is another matter.

## Voting in Foreign Elections

Voting is one of the essential elements of citizenship and a critical part of belonging to a political community. It both reflects and gives voice to one’s stake in the community, while at the same time symbolizing one’s membership in it. The United States has historically taken this set of citizen responsibilities and entitlements very seriously.

There are many bodies of evidence that support the centrality of voting for citizenship and community membership. The Constitution and American courts<sup>6</sup> enshrine voting. The expansion of voting rights has been a critical element of American democratic practice beginning with the country’s earliest history of expanding the right to non-property holders, through struggles for women’s suffrage, and more recently the post-15<sup>th</sup> Amendment struggle for African Americans. Voting could hardly be more central to American community membership.

Voting is also at the heart of many discussions of civic responsibility and laments regarding its decline. It is the centerpiece of a major dimension of the study of political science both in this country and abroad. And, finally, it is central to the process through which immigrants become citizens. We ask immigrants to await an application and review process and a five-year period of time in this country before they can exercise the right to vote.

Bruce Fein writes that, “Approximately 60 countries permit expatriates or migrants to vote via absentee ballots, including Venezuela, Columbia, Brazil, and Honduras.”<sup>7</sup> Immigrants from these countries to the United States number in the millions. However, not everyone thinks that having Americans vote in foreign elections is a problem. In an otherwise thoughtful analysis, Schuck argues that it is “unproblematic . . . so long as this participation does not embroil the United States in unwanted disputes with the other country that involve situations in which the voter subordinates the interests of the United States to the other country. . . .”<sup>8</sup> Schuck does not specify the kind of circumstances he has in mind, but they presumably involve situations where the U.S. and country X have a disagreement and American nationals from that country vote in a way consistent with their home country’s interest and not those of the United States.

The basic problem with Schuck’s position is that the conflicted attachments that underlie his concern about American citizens voting in foreign elections leading to conflicts have equally worrisome implications for Ameri-

can *domestic* politics and the community attachments that underlie them. American citizen nationals from country X may be tempted to vote in ways consistent with their home country's interests in measures or votes brought before the American people for resolution. Country X, for example, may want its languages to be the language of instruction at school, whereas American community interest would be for all its members to be fluent in English. Multiple and conflicted attachments are a problem at home, as well as abroad.

The enormous increase in the number of countries allowing dual citizenship is closely associated with the recognition by foreign governments that there are economic and political advantages to doing so. Princeton sociologist Alejandro Portes has written, "Consulates of Mexico, Columbia, El Salvador, Guatemala, and the Dominican Republic in areas of their concentration of their respective nationalities in the United States have taken to promoting the acquisition of U.S. citizenship or at least permanent residence of their nationals. From these policies, it is clear that sending governments do not want their immigrants to return, but rather to achieve a secure status in wealthy nations...*from which they can make sustained economic and political contributions in the name of patriotism and home town loyalty.*"<sup>9</sup>

Those countries realize that voting is one principal way of organizing and extending their influence and of reestablishing and reinforcing immigrant ties to their "home" countries. And voting does not entail simply marking a ballot or pulling a lever — it is preceded by a campaign. When Mexico was considering whether or not to encourage dual citizenship for its nationals abroad (primarily in the United States), it conducted a study of the possible benefits. That study envisioned a scenario in which "Thousands of Mexican election officials have fanned out across the United States to supervise the balloting, which caps a campaign in which candidates have barnstormed through Mexican population centers, lambasting United States immigration, narcotics, and other policies unpopular in Mexico."<sup>10</sup>

Up until 2005 the numbers have not been as high as the Mexican government study scenario envisioned. However, part of the reason for this is that Mexican nationals had to return to Mexico in order to vote. No more. In June 2005, the Mexican government passed a law allowing absentee voting for its nationals abroad.<sup>11</sup>

A few days later a story in the *New Times* carried the headline "Mexican Expatriates in U.S. Cheer Vote Law."

<sup>12</sup> There is no doubt that the United States has and will become more of a campaign arena for foreign governments.

Because the election process also involves extensive campaigning, this too is a means of reinforcing and cementing immigrant ties to "home" countries. *The Washington Post* wrote, "Eager to reach their countrymen living in the United States, Mexico's two main opposition presidential candidates are barnstorming through Southern California as if it were Mexico's 32nd state."<sup>13</sup> It is increasingly the case that the candidates of other countries actively campaign in the United States for financial and other kinds of support. When Vicente Fox campaigned for the Mexican presidency, he campaigned in Mexican communities in the United States.<sup>14</sup> In 2000, Francisco Labastida, presidential candidate of the Institutional Revolutionary Party (PRI), appeared on the *Washington Post's* Live Online, an Internet Q&A, to campaign among his countrymen in the United States.<sup>15</sup>

This process has even spread to the state and local level for Mexican politicians.<sup>16</sup> In 1998, candidates Ricardo Monreal and Jose Olvera — rivals for the governorship in the central Mexican state of Zacatecas — campaigned in California, where thousands of people originally from that state live and work.<sup>17</sup> That same year, Mexico City Mayor Cuauhtemoc Cardenas Solorzano was in Chicago to inaugurate the first U.S. branch of Mexico's Party of the Democratic Revolution.<sup>18</sup> A coalition — "Mexicans Living Abroad" — brought together Mexicans living in California, Texas, Iowa, and Illinois to press the Mexican government for the right to vote in Mexican elections.

Moreover, governments are increasingly taking affirmative steps to ensure that their nationals abroad vote in "home" elections. In Mr. Fox's 2000 presidential campaign, his National Action Party and Cardenas's Party of the Democratic Revolution organized caravans to take Mexican immigrants to polling places in Mexico from cities as far-flung as New York and Yakima, Wash.<sup>19</sup> With the new absentee voting law, this will no longer be necessary and energy and attention can be better paid to getting out the Mexican vote — in the United States.

These initiatives are now not confined to Mexico. In the 1999 Israeli elections, both major parties chartered jets to fly dual citizens to the polls in Tel Aviv.<sup>20</sup> Elsewhere, more than 50,000 Dominican immigrants, many of them U.S. citizens, are registered to vote in the Dominican Republic. In May 2003, they were able to vote in a Dominican election from the United States, forming long lines at the 16 polling booths set up in New York alone.<sup>21</sup> In the 2004 Ukrainian presidential election, consulates in four U.S. cities were designated to receive the votes of American citizens of Ukrainian decent.<sup>22</sup>

## Voting Abroad: Some Issues

Voting is a critical and basic right of membership in any democratic community, but perhaps especially so in the United States. There it is, as noted, an absolutely integral part of democratic theory and American political development. With that right, however, comes great responsibility. Citizens are asked to give their informed choice, not just their vote. They are asked to frame their vote through the lens of national community interest, not merely self interest. It has been assumed for many centuries that the “national community interest” spoken of here is in fact the interest of the American national community, not the interest of a foreign country. Trying to do justice to both community and self interest in a citizen’s voting decisions is hard enough. Throwing in the interests of a citizen’s country of origin places too much unnecessary and counterproductive weight on top of what is already a difficult set of citizen calculations.

It is said that allowing American citizens to vote abroad will encourage democracy. Yet a review of the evidence suggests this is not necessarily the case. Americans who vote in foreign elections do so to further what they see as their own self-interest.<sup>23</sup> The idea that immigrant communities will necessarily foster democracy overlooks the fact that *many* political parties and interests in the “home country” are now seeking to organize their nationals abroad. Some of these groups are indeed democratic, as most Americans understand that word. However, some are not. During the civil war in El Salvador, the Marxist guerilla group FMLN “organized the Salvadorian communities abroad for solidarity and support activities.”<sup>24</sup>

## Elections as Emotional Bonding Mechanisms

Advocates argue that the United States ought to encourage dual citizens to vote in the elections of their “home” countries as one way for America to be more welcoming of new immigrants. The question is whether this is the kind of welcome doesn’t carry with it the seeds of an emotional good-bye. Are policies that facilitate continuing intense attachment to another country the kind of welcoming policies the United States ought to encourage?

Before addressing that question, it is worth considering why voting became so central to American democratic development. One clue is found in the fact that it was not only the lack of representation that caused the rupture with England, but also the lack of the participation that was its foundation. One could, of course, have representation without participation. England’s appointed viceroys and governors were examples. Future Americans,

however, wanted participation to lead to representation, not to have the two divorced from each other.

In trying to separate participation and representation, England made a strategic mistake of the first rank. Political participation, especially around the exercise of voting choice and exercise of one’s political voice, not only reflects attachments; it also helps create them. Taking part in a collective civic exercise, sanctioned — perhaps idealized is a better word — by a national community is part of a shared experience that helps to generate and maintain ties to that community.

Ginsberg and Weissberg found empirical evidence of participation’s effects in an analysis of national survey data examined in 1968 and 1972.<sup>25</sup> They tested the proposition that one function of voting is to generate support for the government, independent of particular policies or whether a person’s preferred candidate won or lost. They found that participation itself was strongly associated with an improvement in the extent to which citizens view the government as responsive — even if their candidate didn’t win.<sup>26</sup> They conclude, “Though elections are usually conceived as instruments of popular control, we have seen that American elections can also serve to mobilize citizen support for leaders and the regime itself. It is in the area of regime support that we find the clearest impact of elections.”<sup>27</sup>

The emotional bonding function of participation underlies the arguments that were made for expanding the suffrage over the course of American history. A lack of standing as a full citizen who could vote was viewed and experienced as unfair and alienating, as well as being morally, politically, and ethically suspect. Anger and alienation, of course, impede attachment, rather than facilitate it. On the other hand, participation is emotionally bonding. Those able and willing to participate feel more closely connected with the political community and way of life that supports it.

This is, not incidentally, the same reasoning that has led observers in Iraq to propose that, even though the Sunni Muslims chose not to take part in the early national elections, they still be brought into the political process in the allocation of parliamentary seats and the writing of the new Iraqi constitution. The psychological principle underlying both examples is quite clear: Participation as a legitimate member of a community develops and reinforces the ties to that community. The mechanism is the same whether we are speaking of new citizen ties to the American community, Sunni ties to the new Iraqi national community, or American dual citizens’ ties to their countries of origin.

## Knowledge of Different Political Universes?

Advocates for allowing Americans to vote in foreign elections say that it is possible to be a fully informed citizen of two countries. This is among the weakest of the arguments for multiple voting. There is no evidence that immigrants have mastered the information necessary to exercise responsible citizenship and voting in two cultures. Indeed, there is a great deal of evidence that suggests just the opposite, that it is increasingly difficult even for Americans to be considered informed citizens in their own country, much less to be substantially informed about two countries.

The following questions could be asked of everyone, more recent and older Americans alike, of almost any campaign, with sobering consequences: Did they pay close attention to the campaign? Did they read the news analyses? Did they hear or follow all the debates? Are they familiar with the details of the candidates' positions? Have they looked into the major issues themselves, not depending on candidates' views of them? As the *The Washington Post* put the matter, "it is fair to ask whether the desired quality of a citizen's genuine commitment to his country can be reinforced by anything short of full and undivided political allegiance to one sovereign, as expressed by the solemn act of voting."<sup>28</sup>

Some argue that immigrants do as much in following the elections in their home countries as Americans do for theirs, which is to say some, but not a lot. Others point to the low level of information that Americans bring to their election choices and ask why immigrants should be held to a higher standard. The first argument isn't convincing because the question is not whether immigrants have the same level of understanding of their home country politics as Americans have of theirs, but whether it is possible to have good enough knowledge of *two* different political systems, the American and the "home" country's.

The second argument is also unpersuasive, but for different reasons. Here the unstated premise is that low levels of understanding are fine for *both* immigrants and Americans. That is hardly an effective point in favor of allowing American dual citizens to vote in foreign elections. The point is not whether immigrants are as ill-informed as Americans, but whether it is possible to be well informed about two different electoral systems and contents, and whether given limits of time, attention, and understanding, we ought to prefer *all* Americans to be knowledgeable first about their own system of government and election issues.

There is one other difference between native-born and immigrant Americans that is relevant to this particu-

lar argument, but rarely mentioned. Being born and raised in a culture gives one a foundation of understanding. The average ill-informed American college student has nonetheless lived in the country for 20 years, been exposed to its political culture for the same period, and lived through numerous local state and national elections and the events and issues that have been a part of them. It is likely that immigrants who come here as young adults and older do know more about their home countries' politics and culture, but that is no essential advantage here.

The politics of the Dominican Republic or familiarity with Indian politics are not a necessary or even useful template for American politics. In some ways, immigrants must learn not to interpret what they see the United States through the frames of reference they are used to. They must unlearn their past, as well as acquire new, more appropriate frames for their new country's politics. It is no easy matter.

The informed citizen is the basic foundation of democratic process.<sup>29</sup> If citizens don't know or won't learn the history and understand the policy dilemmas they face, a linchpin of democratic government has been lost. Widespread ignorance or historical amnesia is all the more dangerous at a time when the United States and its citizens must address the complex domestic issues of diversity and the dangers of catastrophic terrorism.

What do citizens in this country need to understand and appreciate? It would be helpful to have some knowledge of the ways in which the ideals of personal, religious, political, and economic freedoms motivated those who founded this country and those who followed. It would be useful to be familiar with the courage, determination, self-reliance, optimism, and pragmatism that accompanied those motivations. It would be important to know when and why they lived up to these ideals, as well as when they didn't.

These are not matters for immigrants alone. They apply equally to current and prospective citizens. Yet we are failing badly in both groups on these matters. The "test" for citizenship taken by immigrants requires knowledge of a number of disjointed facts requiring little, if any, knowledge of the traditions, political and psychological, that have shaped this country. Many thousands become citizens and require translations of ballots on which they cast their vote. It is hardly likely that these citizens have followed the complex pros and cons of these policy issues<sup>30</sup> since they don't well understand the language in which these debates are conducted. More likely, they gain their information from advocacy groups who have a very particular point of view, but one not based on dispassionate presentation of the issues so that new voters can make up their own minds.



Advocates of multiple citizenships assure that it is possible and desirable for Americans to be well versed in the culture, history, language, and political debates of other countries. As a general aspiration, this is certainly uncontroversial. A problem arises, however, because there is overwhelming empirical evidence that children in American schools are not learning very much, very well, about their own country. Both citizens and immigrants fail badly on indicators of deliberative knowledge.

Consider that the Pew Research Center for the People and the Press reported that in 1996, “a quarter of those they surveyed said they learned about the presidential campaign from the likes of [Jay] Leno and David Letterman, a figure rising to 40 percent among those under 30.”<sup>31</sup> Not surprisingly perhaps in view of those figures, other national studies show that American schools are losing ground in what might well be considered the most basic element in preparing young persons for their role as citizens — having a foundation of knowledge about the country in which they live and the political institutions that are the foundations of its freedom and way of life.<sup>32</sup>

A national survey conducted by the National Constitution Center found, “only 6 percent can name all four rights guaranteed by the First Amendment; 62 percent cannot name all three branches of the Federal government; 35 percent believe the Constitution mandates English as the official language; and more than half of Americans don’t know the number of senators.”<sup>33</sup>

The National Assessment of Educational Progress (NAEP) Report Card in Civics is a major test of subject knowledge for 4th, 8th, and 12th graders. The 1998 NAEP national surveys and “civics report card,” divided scores on knowledge and proficiency into four groups: Below Basic, Basic, Proficient, and Advanced. At each of the three grade levels tested (4th, 8th, and 12th), Basic was defined as having “partial mastery and skills that are fundamental to proficient work at each grade,” while Proficient was defined as representing “solid academic performance.”

So how many students at each grade level were “Proficient” or even better “Advanced”? Not many. In 4th grade, only 25 percent scored as Proficient or Advanced, which means, of course, that 75 percent did not reach proficiency. In 8th grade the figures were 24 percent for Proficient or Advanced, and in 12th grade the figures were 30 percent for the two categories. These are composite scores and do not directly report the disparities by race and ethnicity that are, if anything, even more troubling. E.J. Dionne characterized the results as “a national scandal,” but it is worse than that because, “When

the country began establishing public schools in the last century, the whole idea was that freedom depended on an educated citizenry. Civics wasn’t an add-on. It was the whole point.”<sup>34</sup> Historical amnesia<sup>35</sup> and civic ignorance are dangerous to democracies that depend on their citizens’ knowledge, perspective, and judgment. Without those virtues, a balanced perspective and understanding of one’s country is not possible, and thus neither is an appreciation of, a pride in, and a commitment and responsibility toward this country, patriotism in short, possible.

Is it legitimate to hold immigrants to a standard unmet by citizens? It would seem that ignorance among the latter is not a good reason to support it for the former. Certainly, there is a legitimate case to be made for asking those seeking citizenship to be conversant with the traditions and practices of the country to which they are asking for entry. Yet, of course, the implications of these data are troubling for Americans and immigrants alike — not only the latter.

Americans do not have, and are not acquiring, the levels of basic information and proficiencies that are essential to living in and supporting a democratic republican form of government. These deficiencies apparently extend from our average students to our “best and brightest.” They raise severe questions about whether American children will have the tools to shoulder the responsibilities of living in and helping to guide the United States through dangerous and difficult times. And they certainly don’t give much comfort to those who believe it is no difficult matter to be sufficiently versed in the history, politics, and policies of two cultures. It remains to be seen whether it is truly possible to be conversant with the traditions and policy debates of two countries. Evidence keeps mounting that doing so even in one country is a task beyond the reach of increasing numbers of American citizens.

That fact however, does not argue for lower standards. On the contrary, the informed exercise of citizenship plays such a central, critical role in this democratic republic that it is extremely inconsistent for advocates to push more liberal dual citizenship policies in the name of furthering democracy, while at the same pushing for standards of knowledge and commitment that undermine it.

The dilemmas here are well captured in the work of David A. Martin, who underscored that, “Democracy is built on citizen participation, and its ideal is meaningful participation — of an engaged and informed citizenry. This presupposes a certain level of devotion to the community enterprise, to approaching public issues as a uni-

fied community, even while leaving much to individual choice in deciding on the aims the polity should pursue or on specific policies to address specific public issues.”<sup>36</sup>

While Martin at first showed some sympathy to dual citizenship, he did go on to conclude that, “It must be conceded that the claims made...., If pushed to their limits, would argue strongly against dual nationality in the first place. If focusing primary political activity in this fashion [by allowing the right to vote in only one place] carries such benefits for solidarity, democratic engagement, and civic virtue, how much more could these goods be expected to flow from channeling *exclusive* political activity? And the point is even strong if the person, by surrendering, or being required to renounce, all other national ties, has thereby forsworn the use of the exit option when policies do not turn out as she favors.”<sup>37</sup>

### Dual Votes Without Dual Responsibility

Martin points out that, “As the globe shrinks and international cooperation increases, political decisions made by other nations have an increasing effect outside their own borders. ... Human beings are generally represented in these settings by elected national political leaders, or by their delegates. A person who has a say in selecting two or more sets of those leaders ... secures an advantage.”<sup>38</sup>

However, the issues go deeper than whether select groups have a larger voice through multiple voting. There is also a very large issue of who bears the consequences of second, foreign votes. Certainly, not the dual citizens who continue to live in the United States while voting abroad.

Israel is a good example of this issue. In their 1999 elections, the two parties stood for very divergent policies with regard to the security of that country. Yet every American Jew who voted in that election, whether left or right in their political views, would not be in Israel for the consequences. It was, in effect, a free ride from the real responsibility that comes with living where the consequences will be most directly felt. Living with the consequences of your choice is one mechanism that helps to ensure focus and perspective.

This issue is not confined to foreign elections that have life or death implications. In June 2003, Americans of Polish descent went to the polls to vote on the issue of whether or not Poland should join the European Community. One local observer of the Chicago Polish community wrote, “Some wish that residents with Polish roots would show the same enthusiasm about Chicago elections as they have about this one.”<sup>39</sup> That article continued, “Polish names once figured prominently in

city politics. Among the best known was Dan Rostenkowski, the former House Ways and Means Committee chairman. But that clout is waning as local Poles move to the suburbs and focus their attention on money instead of politics. ‘Polish mothers don’t raise their children to be alderman,’ said Aurelia Pucinski, a former clerk of Circuit Court in Cook County. ‘They raise them to be businessman. Unlike other ethnic groups, the political process is not something they see as important in their lives.’ That has not been true with this issue.”<sup>40</sup> One might reasonably ask why Americans of Polish descent who have been in this country for generations are voting on major policy in another country on another continent. A likely answer is: Because they have an interest and connection with their former communities. Yet that answer raises a further question: Is it not possible to have an interest and a connection without voting in another country’s elections? Of course, it is.

The increasing use of the United States as an election arena for foreign nationals and nations is a real problem. It drains attention and attachment away from immigrants becoming more integrated into the American national culture. The question is what to do about it.

### What to Do?

Some find the idea of American citizens voting in foreign elections and otherwise associating themselves with foreign governments contrary to America’s best interests and want to take strong remedial steps. Constitutional lawyer Bruce Fein argues that “Americans who vote in a foreign election, occupy any office in a foreign state, enlist in a foreign army, attempt to overthrow the U.S. government, or otherwise affirm allegiance to a foreign nation should forfeit their citizenship.”<sup>41</sup> The problem with that approach is that the Supreme Court ruled 5-4 in *Afroyim v. Rusk* (1967) that Americans could not lose their citizenship for voting in a foreign election. Fein’s solution: “Congress should either propose a constitutional amendment to overcome *Afroyim*, or, enact legislation that deletes the specific intent requirement in the expectation that the high court will reconsider the precedent.”<sup>42</sup> The problem with this approach is that passing a constitutional amendment is difficult at best, and one can anticipate howls of outrage at what will be argued is a punitive “anti-immigrant” measure. Moreover, having Congress pass a measure specifically framed to have the Supreme Court reconsider their opinion depends on the makeup of the court.

Some, recognizing that voting in foreign elections is damaging to the interests of the American national community, have suggested a split-the-difference

approach. Aleinikoff proposes that the United States negotiate a series of bilateral agreements with foreign countries whereby their former nationals be given a choice whether to vote in the United States or not.<sup>43</sup> An American dual citizen domiciled in a foreign country would have to return to this country one year prior to the election in which he or she wished to vote, or not be able to do so. This would involve the United States in the arduous and, I think, unnecessary negotiations with 150 separate countries.

Not only is this a clumsy and unnecessary idea, there are apparently a number of constitutional barriers to such a proposal.<sup>44</sup> These include the difficulty of establishing a “compelling federal interest,” the problem of overcoming the strict scrutiny standard that would most likely be applied (because American dual citizens domiciled abroad would not be able to vote by absentee ballot), and the question of whether such a proposal is sufficiently narrowly tailored, among other things.

O’Brien, another multiple voting advocate, suggests several other alternatives.<sup>45</sup> Among his suggestions are a repeal of the Absentee Voting Act, a modification of Aleinikoff’s proposal in which only those who have previously voted in foreign elections are given the choice, or establishing a universal “vote where domiciled” rule. Each of these has problems too. Doing away with absentee ballots would disenfranchise all Americans living abroad, including those serving in our military. The modification O’Brien proposes creates an incentive for dual citizens to get more involved more quickly with electoral politics of their former home country elections so as to preserve their options. And the search for a universal rule, vote where domiciled, forces Americans who live abroad not to vote in their own elections.

There is however a more fundamental flaw in all these suggestions. They are trying to accommodate American citizens voting in foreign elections. On balance, there is no compelling reason to do this, and certainly none to encourage it.

What the United States should be doing is encouraging immigrants, their families, and their descendants to consider *America* their “homeland.” This is less likely to happen if there are continual pressures and incentives to look toward the foreign country from which they or their ancestors originally emigrated. There is no compelling reason to allow American citizens to vote in foreign elections and many reasons to discourage the practice.

Given the importance to the American national community and the republican democratic system that is an integral part of it, it seems prudent to do everything

**Recommendation 1: American citizens should be actively discouraged from voting in foreign elections.**

This discouragement should take the form of making such a prohibition against foreign voting a stated condition of citizenship applications, including such an affirmation as part of the oath of citizenship, and placing pressure on foreign countries not to make efforts to enroll American citizens in foreign voting. It might well also include legislation proscribing such behavior.

possible to encourage attachment to *this* community, and take steps to lessen the incentives for connections to other countries and their national communities. American law cannot, of course, mandate what others countries choose to do with regard to their former nationals, but it can make clear in a variety of ways that recruiting American citizens to vote in foreign elections will not be looked at with favor by the United States.

## Holding Office in or Serving a Foreign Country

Next to voting, holding office is among the most important public privileges of citizenship and membership in a community. Individuals have many reasons for wishing to gain public office. They may wish to serve out of a sense of wishing to repay in some way the benefits that come with being a member of this community, they may do so out of a sense of civic responsibility or their desire to help improve and protect their country, their own ambitions, or some mixture.

Citizens, on the other hand, rely on those in office, whether in elected or appointive positions. In doing so, they have every reason to expect and demand that leaders will hold the community’s interests as paramount. This does not mean they have to be guided by majorities in opinion polls. Rather it means that they must take seriously the trust that they have been given to act in accordance with the interests of that community, broadly conceived. A leader who represents a community is expected to have that community’s interest wholly at heart, even if he may not agree with his constituents on a particular policy.

In the past, it went without saying that an elected or appointed official would devote his or her full time and attention to the public matters that they were elected

or appointed to pursue. That is why officials cannot serve in public and private service at the same time, except on boards and advisory positions. We would not expect a United States Senator, for instance, to hold another job. Nor would we expect a member of the president's staff to do so. Even part-time legislative or executive positions must avoid conflicts of interest.

Time, attention, and the community's best interests are the three key assumptions of public responsibilities. Yet, all three are thrown into question by the practices that are slowing arising with multiple citizenships. Over the years, a number of Americans have held positions of power and importance in other countries. They continue to do so.

Muhammed Sacirbey, Foreign Minister of Bosnia-Herzegovina in 1995-96, is an American citizen and dual national. The chief of the Estonian army in 1991-95, Aleksander Einsein, also was an American. Valdas Adamkus was an administrator in Chicago for the Environmental Protection Agency before he became president of Lithuania.<sup>46</sup> In 2002 at least 10 Americans of Nigerian descent left the United States to campaign for office in Nigeria.<sup>47</sup> Americans have served at the United Nations as ambassadors for their country of origin.<sup>48</sup> And a number of Mexican Americans have returned to Mexico to run for office.<sup>49</sup> Former Secretary of State Madeleine Albright was even approached to seek the presidency of her native Czech Republic, but she declined.<sup>50</sup> In November 2003, the foreign minister of the Iraqi Governing Council announced the appointment of Rend Rahim Francke as Ambassador to the United States; she became a U.S. citizen in 1987.<sup>51</sup>

Not all those Americans who return to their home countries necessarily add to the sum total of democracy in the world. In 1998, the State Department said that as far as it could tell, Hussein Mohammed Aidid, a U.S. Marine Corps veteran, was a naturalized American citizen as well as Somalia's most powerful warlord before he died.<sup>52</sup> Still, for the most part, most of those named above left the United States to serve in their country of origin in what would be considered a productive way.

There is no law against doing so, and on balance no real issue in the fact that they do so, as long as their civic and citizenship rights are not exercised in two places at the same time. It is quite acceptable for Mr. Adamkus to leave the United States to become president of Lithuania, but it would not be appropriate for him to vote in an American election while serving. It would be acceptable for Mr. Einsein to become chief of the Estonian army, but not to be a member of the U.S. armed forces at the same time.

The basic issue here is to avoid a conflict of interest, in these cases a conflict between two different sets of national interests. It cannot be assumed that because two countries are democracies that they share the same interests. France and the United States come readily to mind here. Nor should the citizens or one or another country have to struggle with trying to figure out whether their national community interests are truly being represented.

The individuals noted above are clearly serving the country to which they returned and in that sense might be considered sojourners in the United States. Yet with the rise of transnationalism and the decision of many immigrant-sending countries to make political use of their nationals, a new development has arisen. Americans with dual citizenship are being asked, and are agreeing, to serve in foreign governments at the same time that they retain and exercise their American citizenship.

There are a number of examples. Jesus Galvis, a Columbian travel agent and elected official in Hackensack, N.J., ran a campaign in 1998 for a seat in the Columbian senate.<sup>53</sup> He planned to hold both offices. Mr. Galvis was asked in an interview whether he could represent his Hackensack constituents while splitting time in Colombia, and said he would have been like a U.S. Congressman with an office in his district and one in Washington. In each place, he said, "I would be representing the Colombians in the United States."<sup>54</sup> Mr. Galvis' non-Columbian constituents in Hackensack would no doubt be surprised and not pleased to learn that if they weren't Columbian they would not be represented.

Others were critical of Mr. Galvis' position. Saramaria Archila, head of a Latin American social services agency in Queens, New York, who had lobbied for the dual citizenship law in Colombia, nevertheless said Galvis crossed the line. "If I am an elected official in a country, it is impossible to defend the interests of my community in another country," she said.<sup>55</sup>

Yet another development along these lines is the carving up of American territory as districts for representation of foreign governments by American citizens. As one report noted, "In what experts call an extraordinary step... three Mexicans living in the United States are running for seats in Mexico's Congress. If they win — and chances are good for at least two of them, in Chicago and Los Angeles — they will live in the United States and represent Mexicans here."<sup>56</sup>

That report continued, "The National Action Party recently introduced a proposal in Congress to reserve 10 of the 500 seats for Mexicans abroad, and others

talk of slates of United States candidates in the 2003 Congressional elections....If they win, they plan to commute to Mexico at least part of the time Congress is in session — about six months a year, in two month stretches.”<sup>57</sup>

In 2001, Juan Hernandez, a former University of Texas at Dallas professor, was named the first American to serve in a Mexican president’s Cabinet.<sup>58</sup> When Mexican President Vicente Fox met with President Bush, Hernandez was there as an adviser to Fox. And when a group of Democrats from the U.S. Congressional Hispanic Caucus met with President Fox, Hernandez was there.

Mr. Hernandez’s role is to organize and mobilize Mexican Americans in the United States. What is he mobilizing them to do? In an interview with Ted Koppel on Nightline, he made it quite clear: He wants Mexican Americans in the United States to think “Mexico First...I want the third generation, the seventh generation, I want them all to think ‘Mexico first’.”<sup>59</sup> Americans, on the other hand, might well be excused if they wonder why one of their fellow citizens is legally entitled to work in and for a foreign government advocating that Americans put another country first.

Another example of this kind of outreach is the setting up of a 120-member “advisory council” made up of American citizens of Mexican descent.<sup>60</sup> The report notes that the candidates must be at least age 18, Spanish speakers, Mexican citizens, and Illinois residents with no criminal record. They must also submit a petition with at least 50 signatures in support of their candidacy. That means there will be a campaign, as well as an election — yet another way by which to organize the attention and interests of Mexican Americans toward their “home” country.

Recruiting Americans to serve in “home” country governments is not the only method that foreign government use to foster identifications with and attachments to those countries. Last year, President Leonel Fernandez of the Dominican Republic visited his fellow countrymen and women in New York, which has the largest concentration of Dominicans in the United States. Among the ideas under discussion at the town meeting were, “a Dominican Peace Corps that would bring young Dominican-Americans back to their roots.”<sup>61</sup> It’s a laudable idea in many respects, but wouldn’t young Dominicans and their chosen country benefit from having them involved in the American domestic versions of the Peace Corps like Teach for America?

The major issue in many of these cases is, to repeat, the question of conflict of interest, focus, under-

## Recommendation 2: American citizens should be actively dissuaded from seeking or serving in elective or appointive offices abroad.

They should be actively discouraged from serving on policy making legislative or executive government entities of foreign governments. This discouragement should take the form of making such a prohibition a stated condition of citizenship applications, including an affirmation to this effect as part of the oath of naturalization, making it a finable offense while an American citizen, and placing pressure on foreign governments not to make efforts to enroll American citizens in standing for or serving in the governments of foreign countries.

standing, and above all, attachment. We enact conflict of interest laws in the United States precisely because individuals are not the best judges of what they will be able to separate into separate spheres, and how well they will be able to do so. Individuals may well not see any disadvantages to representing foreign countries and the United States at the same time, but in many ways their views are the least reliable on these matters.

It is a fundamental principle of American republican government that representatives, whether in the legislature or the executive, are expected to truly and faithfully represent the national community of which any local community is an integral part. Running for office in a foreign country and continuing to exercise the rights of American citizenship — especially holding office, but also voting and organizing one’s fellow foreign nationals — is incompatible with that expectation.

Americans serving as advisors to foreign governments might argue they are representing the interests of the fellow Americans of whatever particular descent in their home countries. A response to that is to ask whether that attention would not better be applied to improving the quality of life and citizenship with this country. The answer “I can do both” does not recognize the normal limits of time and attention that apply to most people. It also fundamentally neglects the psychological laws of attachment. That is why one lawyer can’t represent two opposing sides in a court case.

All of these considerations underlie the United States’ stake in these issues. This is not just a matter of exercising the personal freedom that American citizenship grants, but the national community’s stake in having it exercised for the benefit of that community. Of course, dual national Americans may want to advise or

serve their countries of origin, but from the standpoint of the American national community the questions is: Why should that desire be given any standing or encouragement?

## Serving in a Foreign Army

The willingness to serve and protect your country is one of the most solemn responsibilities of citizenship. The Oath of Allegiance taken by new American citizens says in part, "that I will bear arms on behalf of the United States when required by the law." That oath, an outgrowth of a long history of citizen-soldiers, reflects the critical importance of being willing, even in an age of a volunteer army, to serve if necessary. There is no more important stake that a citizen has than the protection or preservation of his or her country.

Such willingness represents a commitment and an acknowledgement that a citizen may be called upon to give up his comforts, his livelihood, and even his life if the circumstances warrant. It is the ultimate merger of responsibility and caring, essential elements of the psychology of patriotism. The United States recognizes this fact, and immigrant green card holders who serve in the U.S. armed forces have the normal five-year waiting period before being able to apply for citizenship reduced or waived altogether.

Immigrants who come here from countries in which ethnic military conflict is a fact of life can hardly be expected to leave their feelings behind when they arrive in the United States. For many years, Irish Americans contributed money to their ethnic brothers fighting the British in Ireland. Jews have contributed to Israel since that country's founding. And more recent Muslim arrivals have contributed to their own ethnic-based charities, some of which have operated as fronts or helpmates for

terrorist activities. The history of ethnic help for family homelands is an old American story.<sup>62</sup>

So, in a more limited sense, is the modern history of Americans fighting abroad in "foreign wars." Americans of the left fought in the Spanish Civil War. In 1937 retired Army Capt. Claire Lee Chennault went to China at the request of Madame Chiang Kai-shek to help the Chinese develop an air force capable of confronting the attacking Japanese. This mission became the basis for the famous all-volunteer force, the Flying Tigers, that served with distinction both before and after Pearl Harbor. The White House sanctioned that volunteer group.<sup>63</sup>

In a very well publicized example in 2002, Democratic candidate for Congress, and now a congressman from Illinois, Rahm Emanuel was criticized by his opponent for being an Israeli dual citizen and having served in that country's armed forces while an American citizen.<sup>64</sup> That impression had been fueled by comments like those of Emanuel's White House colleague, George Stephanopoulos, who told Nightline that, "Rahm had served in the Israeli army." The *Jerusalem Post* reported on July 1, 1997, after an interview with Mr. Emanuel that, "What has perhaps gained Emanuel the greatest admiration in Jerusalem was his coming to the country during the Gulf War to volunteer at a supply base near Kiryat Shmona. He did menial work at the base, separating tank brakes from jeep brakes from truck brakes. He downplays the trip, saying it was not a sacrifice, merely 'something I wanted to do.'"

Some go farther. During the savage ethnic fighting that flared in Yugoslavia in 2001, a group of about 400 Albanian Americans volunteered to join the rebel Kosovo Liberation Army.<sup>65</sup> Several died.

The problem of dual citizens, or even American citizens with strong homeland feelings, entering into combat in one form or another in their countries of origin is certainly not as large a problem numerically as the issue of foreign voting; the numbers are most likely very small. Nonetheless, it is worth paying attention to because it is part of a group of behaviors that tend to reinforce emotional ties to foreign countries, when every effort should be made to foster attachments to this country. The United States cannot easily be in favor of trying to cement immigrant ties to this country while encouraging immigrants to vote, serve, and fight abroad for other countries.

## Dual Citizens and Public Life in the United States

The White House Fellowship is one of the most competitive and prestigious fellowships in the country. From

**Recommendation 3:** American citizens should be actively dissuaded from serving in a foreign military in whatever capacity unless specifically authorized by competent U.S. authorities.

This discouragement should take the form of making such a prohibition a stated condition of citizenship applications, including an affirmation to this effect as part of the oath of naturalization, making it a finable offense while an American citizen, and placing pressure on foreign governments not to encourage American citizens to serve in their armies.

many, few are chosen, and they go on to important positions in government, industry, education, and other key American institutions. On its website the fellowship lists a number of frequently asked questions, and among them is the following: Can I be a White House Fellow if I have dual citizenship?<sup>66</sup> The answer is no.

Questions that arise concerning the rights and responsibilities of American dual citizens within the United States are similar — but in some respects more complicated — than the questions of whether American citizens ought to take part in foreign politics. Dual-citizen Americans are, after all, Americans. If they are not seeking to run for office in a foreign country, or vote there, or serve as appointed advisors to foreign governments, they have avoided the actions that are most troubling to the integrity of the national community in which they live — or have they?

Here is the issue. The United States has within its population more and more immigrants from dual-national countries. They become citizens by naturalization or because they are born here to immigrant families. Many Americans are, or can become, dual nationals.

Given American mobility patterns, it is just a matter of time before American dual nationals will begin to take their places in the halls of government, community, and civic organizations. Dual nationals will begin to run for office. They will be appointed as judges. They will begin to occupy advisory roles to those in power. And they will begin to staff our decision-making institutions, like, for example, the Pentagon, CIA, and State Department.

Indeed, they have already done so. Miguel Estrada, nominated by President Bush for a federal judgeship, immigrated to the United States as a teenager from Honduras. Michigan Gov. Jennifer M. Granholm was born in Vancouver, British Columbia. Zalmay M. Khalilzad, U.S. Ambassador to Afghanistan, was born in Mazar-i-Sharif and is Pashtun by ethnicity. The Commander of the U.S. Central Command is John Abizaid, a Lebanese-American. And, of course, almost everyone knows that California Gov. Arnold Schwarzenegger was born in Austria.

All of these individuals, by virtue of their family's country of origin, are eligible for dual citizenship. Yet none of them has had the issue of dual attachments raised in connection with their leadership in these key institutional positions. It is worth asking why. Insofar as the record shows, none of these Americans has taken steps to cement their ties to their family's country of origin. They do not hold two passports. They have not served in, or as advisors to, a foreign government. They have not served

in the armed forces of another country. They have no history of being advocates, specially, for their family's country of origin.

Should Americans who hold dual citizenship serve in important public positions? The United States now distinguishes between green card holders and citizens in only a few remaining areas, such as the right to vote, the right to serve on juries, and the right to hold certain high level elective offices and some state and all federal civil service positions.<sup>67</sup> These distinctions are based on the understanding that it takes time to know a culture before you can adequately represent it. They are also based on the assumption that immigrants who have not taken steps to become citizens have demonstrated a lack of commitment that by itself calls into question their ability to speak for, act on behalf of, or represent citizens.

But what of those immigrants who have already become citizens? They have demonstrated a commitment by successfully going through the process. Should that mark the end of our concerns? And what of American leaders who are citizens of another country as well? This is a sensitive issue. However, it is a growing one.<sup>68</sup>

In 1998, a French Canadian with a U.S. passport ran for mayor of Plattsburgh, N.Y. He argued that the incumbent spoke French too poorly to be running a city so close to Quebec; he lost. Also that year, an Australian, Helen Cameron, who traded her Australian citizenship for American nationality so she could do business, served on the local school board and even sought the mayor's seat in Irvine, Calif. In the late 1990s Adriano Espaillat, a naturalized American from the Dominican Republic and a member of the New York State Assembly, became the first Dominican elected to a U.S. statehouse. In 2002, an immigrant from India ran for the Iowa legislature.<sup>69</sup>

The major issue here is one already addressed to some degree in the discussion of holding office in, or serving as an advisor to, a foreign government. A national community has the right to expect the highest levels of allegiance to it from those serving on its behalf. Indeed, because of the exercise of power involved in serving in decision-making roles, it could be argued that this standard should be even higher for leadership roles than for simply being a citizen.

A national community can tolerate some of its citizens disliking the government. It can get along all right if *some* of its citizens have an attachment to other countries, so long as those numbers are not large and the power of those attachments aren't strong enough to trump attachments to the national community. However, a community is much less able to tolerate persons in position of power who divide their national loyalties between two countries.

Spiro has suggested that this issue be addressed through a conflict of interest approach.<sup>70</sup> So for example, a dual national in the State Department would excuse himself if dealing with an issue that affected his other country of attachment. Or to use Spiro's illustration, no American-Mexican dual citizens should serve on a U.S. trade delegation to Mexico.<sup>71</sup> Regrettably, the issue is not that easily resolved.

Spiro's solution depends on self-filtering, where people realize there is a conflict and then remove themselves. But what if they don't think there is a conflict, or feel they can "handle it." Spiro's example of barring a Mexican American from a trade delegation to Mexico assumes what remains to be demonstrated: that a Mexican American cannot be trusted to champion American, rather than Mexican interests. Should Gov. Granholm disqualify herself from any issues that deal with Canadian nationals? That seems wholly unnecessary.

What if a dual-citizen American identifies with her Hispanic ethnicity? Will she then have to reclude herself from all dealings with Latin America and Spain? What of a dual-citizen American with strong feelings toward and identifications with his Muslim religion?

These examples suggest that no conflict of interest can be assumed and that one must look elsewhere for evidence that it is or is not a problem. An example of this dilemma is seen in recruiting patterns at the Central Intelligence Agency. In the wake of 9/11, a number of observers said, correctly, that intelligence agencies needed to diversify. Sen. Richard Shelby (R-Ala.) said that, "the government must do a better job at turning America's ethnic diversity and immigrant heritage into an intelligence asset by recruiting into its ranks Americans who speak Arabic and Farsi and can better meld into the byways of the terrorists."<sup>72</sup> They have been busy scrambling to add diverse nationalities to their rosters.<sup>73</sup>

Yet they have run into a problem. Many of the people they would like to recruit are naturalized citizens or children of immigrants from countries that have supplied many of the terrorists they will be arrayed against. The issue that the CIA and other such agencies face is not so much the potential for disloyalty (although that is always a dangerous potential problem for intelligence or enforcement agencies), but rather the potential — one might say the likelihood — for conflicted loyalties or attachments.

How would it feel to be a first generation Muslim whose parents came here from Pakistan, Indonesia, or Nigeria to be sent there to recruit their nationals to spy for the United States? When doing background checks for the security clearances that must be given to top-level

analysts, how is it possible to gauge a person's relative degree of commitment to his new country and to his country of recent origin? What kind of attachments are all right, and which problematic? In the old days, all one needed to do was the historical research equivalent of looking into the person's wallet and seeing if he carried a membership in the Communist Party. This will obviously no longer do. However, what does suffice is not yet clear. The danger is not treason, but rather conflicted loyalties and the failure because of such conflict to make America's positions, policies, or interests sufficiently primary.

These same kinds of issues have already arisen for naturalized or dual citizens running for elective office. In the 2000 presidential race, Nation of Islam leader Louis Farrakhan questioned the national loyalty of vice-presidential candidate Joseph Lieberman. In his remarks Farrakhan said, "Mr. Lieberman, as an Orthodox Jew, is also a dual citizen of Israel. The state of Israel is not synonymous with the United States," he continued, "and the test he would probably have to pass is: Would he be more faithful to the Constitution of the United States than to the ties that any Jewish person would have to the state of Israel?"<sup>74</sup>

A similar circumstance arose in Iowa when a naturalized Indian American, Swati Dandekar, ran for office. Her opponent, Karen Balderston, sent an e-mail asking, "Without having had the growing-up experience in Iowa, complete with the intrinsic basics of Midwest American life, how is this person adequately prepared to represent Midwest values and core beliefs, let alone understand and appreciate the constitutional rights guaranteed to us in writing by *our* Founding Fathers?"<sup>75</sup>

These accusations were insubstantial. Joe Lieberman had spent his whole life here. He was no more Israel's Connecticut Senator than John Kennedy was the Pope's president. And Ms. Dandekar, who was 51 at that time, had lived in Iowa for 31 years. Mr. Gonzales has never held a Mexican passport, and Arnold Schwarzenegger had never voted in a foreign election.

On the other hand, there are examples that do underscore the nature of the potential issues. Josaphat Celestin, for instance, came to the United States from Haiti. At first, he thought he would return as soon as possible, but then decided to stay and organize his Haitian American community to support his bid for political office. After some losses, he was finally elected mayor of North Miami with strong support of the Haitian community. But this in turn has led to concerns of non-Haitians that their needs will be neglected.<sup>76</sup>

The issue of history and experience in relationship to community representation is not a frivolous one.



Generally, people want to be sure that a leader knows the community, has spent time with it, appreciates its values and is in general agreement with them. Ultimately, it is up to those doing the appointing or electing to make this decision. A naturalized citizen who has been in the country only a few years will no doubt be judged differently from one who has lived in the United States for 31 years.

Even people who actively promote the idea of dual citizenship say there are limits to subdividing loyalties when it comes to political leadership positions. New York City Councilman Guillermo Linares, the first Dominican American elected to any office in this country, made it a point not to vote in the 1996 Dominican election, the first in which Dominicans abroad could vote. "I am an elected official of the United States," Linares said.<sup>77</sup>

The question of how much identification a leader or official has with his new or old country is unlikely ever to be resolved with decimal-point accuracy. After all, internal psychological identifications are personal, sometimes shifting within a range, and on occasion not wholly accessible to the person himself.

Consider the case of Tony Garza, a longtime George W. Bush associate who was appointed U.S. Ambassador to Mexico. He is a third-generation American whose four grandparents were from Mexico and who speaks fluent Spanish. He graduated from the University of Texas, attended Southern Methodist Law School, and was elected judge in Cameron County, the southernmost in Texas.

After the Senate confirmed his nomination as U.S. Ambassador to Mexico, he was asked in an interview about his views on U.S. policy and Mexican immigration. He replied, "I view it from the perspective of a Mexican and an American and I happen to think it's important to us that we move on immigration because I really do think it speaks to our character and our identity."<sup>78</sup> I do not wish to make too much of a single sentence, but it is a professional habit to pay attention to what people say and how they do so. Mr. Garza mentions his Mexican identification first, his American one second, and seems to weight them more or less equally, with the Mexican portion being first among equals.<sup>79</sup> Consider a possible alternative response: "I view these problems as an American with a Mexican heritage." Perhaps the operational dividing line should be between those whose American identifications are naturally primary (e.g., American of Irish decent or *Irish-American*) compared to those for whom it isn't (e.g. *Irish-American*, Hispanic).

**Recommendation 4:** American citizens, whether naturalized or not, who desire to serve in elective or appointive office, or other positions of governmental responsibility, should help establish the community norm of primary attachment to the American national community, or the local portion of it.

In the specific case of dual citizenship, such persons should adhere to a standard that includes not holding or retaining dual citizenship while in American office, not taking part in foreign elections while so serving, and detailing and severing all advisory positions with foreign governments.

There is no meter to measure the strength and nature of attachments, although signposts are possible to discern and some general guidelines could be developed. Does the person currently hold, or have they ever held, dual citizenship? If so, what was the time frame and what were the circumstances? If naturalized, when did that happen and how soon (after it was possible to do so) was the application made? Has the person ever voted in a foreign election? If so, when and how often? Has the person ever held elective or advisory office abroad? If so, when and under what circumstances? Has the person ever been an advocate of the positions of his or her family's country of origin? In what circumstances?

These are the kinds of basic questions that might be asked of any person seeking to represent the national community or a local part of it. The issue is not so much a "loyalty test" as it is a form of legitimate quest for reassurance that the person has demonstrated by his or her behavior that attachments to any country of origin take a back seat to the primacy of identification with the American national community. Some positions, especially in the security and high-level advisory positions, will obviously require more.<sup>80</sup>

Stephen Castles, writing in the Australian context, notes there are already large numbers of dual citizens. He expects that in the future this practice will become even more widespread and expresses the hope this should not lead to exclusion from any rights, such as the right to stand for office.<sup>81</sup> It should not, of course.

Nor, since all citizens have the right to run for office once they are naturalized,<sup>82</sup> is any legislation possible in this matter, even if it were desirable — which it is not. The matter is best handled informally by the growth of a norm of demonstrated national attachment and in-

tegration in cases where persons run for political office or represent various communities in non-governmental, but policy-making or -deciding positions.

## Conclusion: Dual Citizenship Reform: Only Part of the Issue

All four of the above recommendations have one purpose in common: They are meant to help develop and cement the ties of immigrants to the American national community. The United States is traversing a particularly tricky and dangerous period. It is in the crosshairs of terrorists who would like to destroy, or at least catastrophically wound, the country and lack only the means to do so. Yet, in the meantime, life goes on, as it must and should. The United States continues to take in around a million legal and illegal immigrants per year. Other countries mount strenuous efforts to bind their nationals to them, even though they are naturalized American citizens. Old and new citizens alike continue to learn and know less about their country, its history, and the issues that face it. Centrifugal forces from above (globalization) and below (multicultural primacy of racial and ethnic identification) continue to compete with an American national identity.

These trends are likely to be with us for some time. Richard Alba, in his research on European ethnics, found that it took on average four generations before ethnicity truly faded and a more Americanized identity truly developed beyond the hyphen.<sup>83</sup> Can we count on the same for non-European ethnic and racial groups in the above circumstances? That seems unlikely.

In the meantime, developing and consolidating a primarily American national identity and heartfelt attachments to the American national community are critically important to our country's political well-being and security. The modest steps outlined above are not panaceas. In an age in which expectations of gratification outpace the acceptance of responsibility, they will be controversial. Moreover, even if enacted, they will help address only part of the problem.

The issues of developing the American national community go well beyond whether American citizens vote in foreign elections. If the United States is truly to be more welcoming to its immigrants, and true to its own citizens, it must do much more to foster attachments in the American national community as a whole and not just in immigrants. That critically important topic however, deserves its own discussion and recommendations.

# End Notes

<sup>1</sup> Camarota 2004.

<sup>2</sup> This view runs contrary to Fein (2005) who argues that, “Dual allegiances do not imminently threaten the fabric of the United States. But they fuel a yawning indifference to American customs and civic spirit indispensable to national vitality.”

<sup>3</sup> The figures in this and the following paragraph are drawn from Renshon (2005).

<sup>4</sup> Schuck 1998, 227.

<sup>5</sup> *Ibid.*, 228.

<sup>6</sup> Anticipating the Twenty-fourth Amendment, in the case of *Harper v. Virginia board of Education* (383 U.S. 663 (1966)) the Supreme Court struck down poll taxes saying, “The political franchise of voting” is “a fundamental political right because (it is) preservative of all rights.” For a closer analysis of the constitutional foundation and importance of voting as a key element of American citizenship see Eskridge 2001.

<sup>7</sup> Fein 2005.

<sup>8</sup> Schuck 1998, 235.

<sup>9</sup> Portes (1999, 467 emphasis mine; see also Miller 1999, 11. Miller writes that many immigrant- sending countries have abandoned their opposition to dual citizenship. They now encourage it, “in the hope they will form lobbies to influence their host countries’ policies towards the country of origin.” Evidence however, suggests they are taking a much more active stance than hope in ensuring that it happens.

<sup>10</sup> Dillon 1998, A3.

<sup>11</sup> McKinley 2005

<sup>12</sup> Associated Press, 2005.

<sup>13</sup> Anderson 2000.

<sup>14</sup> Belluck 2000.

<sup>15</sup> Talk Back Live 2000.

<sup>16</sup> A reciprocal process is under way as increasingly American politician travel to foreign countries to campaign for the votes of that country’s nationals in the United States. Democratic and Republican political leaders from New York and elsewhere routinely visited Vieques — an Puerto Rican island used for Defense Department war exercises, to protest that use (Waldman 2000). In 2001, two top Democratic Party officials — Richard Gephardt, then House minority leader and Thomas Daschle, then Senate majority leader — visited several areas in Mexico, promising to do all they could to regularize the status of illegal aliens in the United States (Thompson 2001; Sullivan and Jordan 2001). New York governor George Pataki visited the Dominican Republic to pay a condolence call on the relatives of those killed in the crash of

flight 857 which ran daily between New York and Dominican Republic; this was shortly in advance of his try for a third term in office (Associated Press 2002). Then Mayor-elect New York Michael Bloomberg made the same pilgrimage and included Puerto Rico, where he promised “closer ties” (Steinhauer 2001a,b).

<sup>17</sup> Crawford 1998.

<sup>18</sup> *Ibid.*

<sup>19</sup> Belluck 2000.

<sup>20</sup> Nagourney 1999.

<sup>21</sup> Sellers 2004, B01.

<sup>22</sup> Johnson 2004.

<sup>23</sup> Itzigsohn 2000, 1146, argues, after reviewing the evidence, “transnational elites often challenge the existing sociopolitical order, *but theirs are demands for inclusion and recognition as part of that order, not for its radical change.*” (emphasis mine)

<sup>24</sup> *Ibid.*, 1144.

<sup>25</sup> Ginsberg and Weissberg 1978.

<sup>26</sup> *Ibid.*, 35-36.

<sup>27</sup> *Ibid.*, 52.

<sup>28</sup> Editorial, *The Washington Post* 1998.

<sup>29</sup> Thompson, 1970.

<sup>30</sup> What David Martin (1999, 31) refers to as “simple voting” is in fact anything but simple (Kelley and Mirer, 1974).

<sup>31</sup> Quoted in Kurtz 1999; see also Delli Carpini and Keeter 1999.

<sup>32</sup> Patrick 1977; Torney-Purta 1995a,b; Neimi 1999.

<sup>33</sup> Cited in Branson 1998.

<sup>34</sup> Dionne 1999, A29.

<sup>35</sup> Cole 2002.

<sup>36</sup> Martin 1999, 13. It was Martin (1994) who first emphasized the importance of “common life,” and later (1999, 4-14) said he was persuaded to support dual citizenship, albeit subject to limits.

<sup>37</sup> Martin 1999, 27.

<sup>38</sup> Martin 1999.

<sup>39</sup> Pierre 2003; Eig 2003.

<sup>40</sup> Pierre 2003. Nor is the Chicago EU vote devoid of Polish government self-interest. Eig (2003) reports that, “In Poland where there are 29 million eligible voters, the referendum has widespread support, but government officials are worried about turnout. The results won’t count unless more than 50 percent of eligible Poles vote. That helps explain why the Polish foreign ministry has instructed its staff in Chicago to get out the vote. Even ‘no’ votes will help push the eligibility figure toward 50 percent. ‘It’s an absolute priority to this office,’ says Mariusz Brymora, deputy consul general. He has about 10 people in the consulate working full time to make sure the refer-

endum passes.”

<sup>41</sup> Fein 2005.

<sup>42</sup> *Ibid.*

<sup>43</sup> Aleinikoff 1998, 34-36.

<sup>44</sup> O'Brien 1999.

<sup>45</sup> *Ibid.*, 593-595.

<sup>46</sup> Bumiller 2002.

<sup>47</sup> Haughney 2003.

<sup>48</sup> Franck 1996.

<sup>49</sup> Mena 2001.

<sup>50</sup> Mann 2000.

<sup>51</sup> Shadid 2003, A10.

<sup>52</sup> Fritz 1998.

<sup>53</sup> Portes 1999, 469.

<sup>54</sup> Fritz 1998.

<sup>55</sup> Quoted in Fritz 1998.

<sup>56</sup> Belluck 2000.

<sup>57</sup> *Ibid.*, emphasis mine.

<sup>58</sup> Hegstrom 2001.

<sup>59</sup> Nightline 2001, 7.

<sup>60</sup> Avila 2000.

<sup>61</sup> Bernstein 2004.

<sup>62</sup> Smith 2001.

<sup>63</sup> Chennault [1949] 1991.

<sup>64</sup> An Internet blog site SmarterTimes.com (March 6, 2002) carried the following background information: “A dispatch from Chicago in the national section of today’s New York Times reports that the president of the Polish American Congress, Edward Moskal, ‘suggested, erroneously, that’ an Illinois congressional candidate, ‘had dual citizenship with Israel and has served in its armed forces.’ The Associated Press reported in a 1996 biographical sketch of Mr. Emanuel that ‘In 1991, during the Persian Gulf War, he spent 2 and a half weeks rust proofing brakes for Israeli Army vehicles.’ And the *Washington Post* reported in 1992 that ‘Rahm retained dual citizenship until age 18, when he gave up his Israeli passport, but sometimes thinks ‘ambivalently’ about moving permanently to Israel. It is now part of his legend that during the Persian Gulf War in early 1991, when Iraqi scuds were falling on the country where he spent many a childhood

summer, he volunteered for 2 1/2 weeks on an army base near the Lebanese border, rust-proofing brakes for military vehicles.’”

<sup>65</sup> Smith and Finn 2001, A01.

<sup>66</sup> <http://www.whitehouse.gov/fellows/about/faq.html>. Accessed December 26, 2004.

<sup>67</sup> Peter Schuck, writing about the exclusion of non-citizens from federal civil service positions and many state government jobs, says, “I see no merit in denying voters or elected officials the opportunity to place aliens in the high elective office from which the law sometimes bar them.” See Schuck 1989, 6-7.

<sup>68</sup> The examples in the paragraph that follows are all drawn from Fritz 1998.

<sup>69</sup> Dvorak 2002.

<sup>70</sup> Spiro 1997, 1481-83.

<sup>71</sup> *Ibid.*, 1481.

<sup>72</sup> Quoted in Mitchell 2002.

<sup>73</sup> Priest 2002.

<sup>74</sup> Quoted in Watanabe 2000.

<sup>75</sup> Dvorak 2002, emphasis mine.

<sup>76</sup> Canedy 2001.

<sup>77</sup> Quoted in Fritz 1998.

<sup>78</sup> Villafranca 2002

<sup>79</sup> I am aware that Mr. Garza’s views on immigration closely track the president’s, and that ambassadors are supposed to follow presidential policy.

<sup>80</sup> Krause 2002.

<sup>81</sup> Castles 1999, 39.

<sup>82</sup> The exception of course is the presidency of the United States. Article II, Section 1 of the Constitution states, “No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President,” Several constitutional amendments have been proposed in Congress to overturn this provision, enabling a naturalized citizen to seek the presidency after having been citizens for either 20 or 35 years.

<sup>81</sup> Alba 1990.

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